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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re JUAN P., JR., a Person Coming
Under the Juvenile Court Law.

B291747
(Los Angeles County
Super. Ct. No. 18CCJP00974)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

ASHLEY J.,

Defendant and Appellant.

APPEAL from an order of the Superior Court for Los Angeles County, Pete R. Navarro, Commissioner. Affirmed.

Michelle L. Jarvis, by appointment of the Court of Appeal for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine Miles, Assistant County Counsel, and David Michael Miller, Deputy County Counsel, for Plaintiff and Respondent.

This dependency case involves a seven-year-old child, Juan P., Jr., and his mother, Ashley J. (mother). Juan’s father, also named Juan (hereafter, father), with whom Juan primarily lives, was a party to the proceedings below but is not a party to this appeal.

The juvenile court sustained an amended petition filed by the Los Angeles Department of Children and Family Services (the Department) under Welfare and Institutions Code¹ section 300, subdivision (b). The sustained petition alleged that mother “has mental and emotional problems, including a diagnosis of paranoid schizophrenia, manifesting in erratic behavior, and which when left untreated renders . . . mother incapable of providing the child with regular care and supervision,” and places Juan at risk of serious physical harm and damage. Mother contends the juvenile court erred in sustaining the petition and finding that Juan is a dependent child of the juvenile court because there was insufficient evidence that Juan suffered, or was at risk of suffering serious physical harm due to mother’s mental illness. We disagree.

“We review the trial court’s [jurisdictional] findings for substantial evidence. [Citation.] We do not reweigh the evidence, evaluate the credibility of witnesses, or resolve evidentiary conflicts. [Citation.] The judgment will be upheld if it is supported by substantial evidence, even though substantial evidence to the contrary also exists and the trial court might have reached a different result had it believed other evidence. [Citation.]” (*In re Travis C.* (2017) 13 Cal.App.5th 1219, 1225.)

¹ Further undesignated statutory references are to the Welfare and Institutions Code.

As mother correctly notes, a parent's mental illness alone is not enough to support dependency jurisdiction. (*Kimberly R. v. Superior Court* (2002) 96 Cal.App.4th 1067, 1079.) To come within the jurisdiction of the juvenile court, there must be evidence that "[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, because of the failure or inability of his or her parent or guardian to adequately supervise or protect the child." (§ 300, subd. (b)(1).) We conclude there is sufficient evidence of such a risk in this case.

First, mother's own mother (MGM) told the social worker assigned to the case (the CSW) that mother's behavior had drastically changed and that she was concerned about Juan's safety while in mother's care. MGM said that she got involved because mother's roommates were calling her, telling her that mother was acting strange and paranoid. When MGM went to mother's home, mother answered the door "completely naked," and "attacked" MGM to the extent that MGM had to call law enforcement. MGM finally took mother to the hospital for psychiatric evaluation, where she was hospitalized for a week. Mother was diagnosed with schizophrenia, drug abuse, acute paranoia, and depression; she was prescribed aripiprazole, to be taken nightly at bedtime.

Second, when the CSW met with mother at her home, mother exhibited extremely bizarre behavior, hanging upside down from the apartment balcony, pretending to talk on her cell phone, and refusing to engage or even acknowledge the CSW's presence.

Third, mother's roommate and friend told the CSW that mother's behavior recently had become "abnormal and odd." She brought home "strange men," some of whom looked homeless, and had sex with them in the living room; she often woke him in the middle of the night to talk, but would then refuse to say anything; and the last time Juan was at the house, she was questioning him as if she was suspicious of something. When the roommate and a group of friends tried to have "an intervention" to encourage mother to get help, mother got into a physical altercation with one of her longtime friends.

Finally, mother denied that she has mental or emotional problems, saying that she just gets overwhelmed sometimes; mother said that MGM is the reason that everything is happening. In fact, mother testified that she believes that her problems resulted from MGM poisoning her. Most importantly, mother testified that she takes her prescribed medication only once or twice a week, rather than every night.

We acknowledge that there was evidence that Juan had not been physically harmed by mother during this time of abnormal behavior (although we note that mother had not spent much time with him during this period), and that Juan expressed no concerns or fears about mother. Nevertheless, in light of the applicable standard of review, we conclude the juvenile court reasonably could find, based upon the evidence of mother's violent outbursts (with MGM and with her longtime friend), her bizarre and paranoid behavior, her denial of the severity of her mental illness, and her refusal to take her medication as prescribed, that Juan was at substantial risk of physical harm if left in

mother's care. (*In re Travis C.*, *supra*, 13 Cal.App.5th at pp. 1226-1227 [mother's failure to consistently treat her mental illness created a substantial risk of some serious physical harm or illness].)

DISPOSITION

The jurisdiction order is affirmed.

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WILLHITE, J.

We concur:

MANELLA, P. J.

CURREY, J.